

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Robert C. Nisenson, LLC
10 Auer Court
East Brunswick, NJ 08816
(732) 238-8777
(732) 238-8758 (fax)
RCN 6680

In Re:
Daryl L. Smith



Order Filed on October 25, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 18-10180
Hearing Date: October 25, 2022
Chapter: 13
Judge: VFP

**ORDER AUTHORIZING
SALE OF REAL PROPERTY**

Recommended Local Form: ☒ Followed ☐ Modified

The relief set forth on the following pages numbered two (2) through four (4), is hereby
ORDERED.

DATED: October 25, 2022

A handwritten signature in black ink, appearing to read "Vincent F. Papalia".

Honorable Vincent F. Papalia
United States Bankruptcy Judge

After review of the Debtor's motion for authorization to sell the real property commonly known as 92 Roland Avenue, South Orange, New Jersey (the Real Property).

IT IS hereby **ORDERED** as follows:

1. The Debtor is authorized to sell the Real Property on the terms and conditions of the contract of sale pursuant to 11 U.S.C. §§ 363(b) and 1303.
2. The proceeds of sale must be used to satisfy the liens on the real property unless the liens are otherwise avoided by court order. Until such satisfaction the real property is not free and clear of liens.
3. ☒ In accordance with D.N.J. LBR 6004-5, the *Notice of Proposed Private Sale* included a request to pay the real estate broker and/or debtor's real estate attorney at closing. Therefore the following professional(s) may be paid at closing.

Name of professional: Robert C. Nisenson, Esq., Generations Realty/Prominent Properties SIR

Amount to be paid: \$3,500.00/\$30,640.00

Services rendered: Attorney/Realtors

OR: ☐ Sufficient funds may be held in escrow by the Debtor's attorney to pay real estate broker's commissions and attorney's fees for the Debtor's attorneys on further order of this court.

4. Other closing fees payable by the Debtor may be satisfied from the proceeds of sale and adjustments to the price as provided for in the contract of sale may be made at closing.

5. The amount of \$ 0 claimed as exempt may be paid to the Debtor.

6. The ☐ *balance of proceeds* or the ☒ *balance due on the debtor's Chapter 13 Plan* must be paid to the Chapter 13 Trustee in the Debtor's case.

7. A copy of the HUD settlement statement must be forwarded to the Chapter 13 Trustee 7 days after closing.

8. ☐ The debtor must file a modified Chapter 13 Plan not later than 21 days after the date of this order.

9. Other provisions:

rev.8/1/15

9. Other provisions: "The lien of Deutsche Bank Trust Company Americas, as Trustee a/k/a PHH Mortgage Services shall remain on the premises commonly known as 92 Roland Avenue, South Orange, New Jersey and will be paid in full on the closing date in accordance with the payoff letter.
10. Other provisions: "The lien of Specialized Loan Servicing shall remain on the premises commonly known as 92 Roland Avenue, South Orange, New Jersey and will be paid in full on the closing date in accordance with the payoff letter.
11. All real estate taxes and water and sewer fees will be paid at the time of closing.
12. All outstanding fees due to Deutsche Bank Trust Company Americas, as Trustee a/k/a PHH Mortgage Services shall be paid at closing from the closing proceeds and the creditors will amend its claims after closing within 14 days.
13. All outstanding fees due to Specialized Loan Servicing shall be paid at closing from the closing proceeds and the creditors will amend its claims after closing within 14 days.
14. The provision of Rule 6004(h) shall not be applicable to the matter and the Debtor shall be permitted to sell the property immediately.
15. Failure to complete any sale within ninety (90) days of enter of this Order Authorizing Sale will result in any Order authorizing sale to be deemed moot.
16. The Debtor will pay the balance of the Chapter 13 Plan from the proceeds so Debtor will not be required to amend the plan. The Debtor will pay 100% dividend to unsecured creditors.

In re:
Daryl L Smith
Debtor

Case No. 18-10180-VFP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Oct 25, 2022

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 27, 2022:

Recip ID	Recipient Name and Address
db	+ Daryl L Smith, 92A Roland Avenue, South Orange, NJ 07079-1822

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 27, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 25, 2022 at the address(es) listed below:

Name	Email Address
Aleisha Candace Jennings	on behalf of Creditor Deutsche Bank Trust Company Americas ajennings@raslg.com
Aleisha Candace Jennings	on behalf of Creditor Ocwen Loan Servicing LLC ajennings@raslg.com
Aleisha Candace Jennings	on behalf of Creditor Deutsche Bank Trust Company Americas as Trustee for Residential Accredited Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2007-QS3 ajennings@raslg.com
Denise E. Carlon	on behalf of Creditor U.S. Bank National Association successor indenture trustee to Bank of America, N.A., successor by merger to LaSalle Bank National Association, as Indenture trustee for Home Equity Loan Trust 2007-HS dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Gavin Stewart	on behalf of Creditor Specialized Loan Servicing LLC bk@stewartlegalgroup.com

District/off: 0312-2

User: admin

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Date Rcvd: Oct 25, 2022

Form ID: pdf903

Total Noticed: 1

Harold N. Kaplan

on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY hkaplan@rasnj.com kimwilson@raslg.com

Harold N. Kaplan

on behalf of Creditor Deutsche Bank Trust Company Americas as Trustee for Residential Accredited Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2007-QS3 hkaplan@rasnj.com, kimwilson@raslg.com

Kevin M. Buttery

on behalf of Creditor Deutsche Bank Trust Company Americas kbuttery@moodklaw.com

Kevin M. Buttery

on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY kbuttery@moodklaw.com

Laura M. Egerman

on behalf of Creditor Deutsche Bank Trust Company Americas bkyecf@rasflaw.com bkyecf@rasflaw.com;legerman@raslg.com

Laura M. Egerman

on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY bkyecf@rasflaw.com
bkyecf@rasflaw.com;legerman@raslg.com

Marie-Ann Greenberg

magecf@magtrustee.com

Michael Schwartzberg

on behalf of Interested Party Michael Caple michael@jerseylaws.com

Robert C. Nisenson

on behalf of Debtor Daryl L. Smith r.nisenson@rcn-law.com
doreen@rcn-law.com;g2729@notify.cincompass.com;nisensonrr70983@notify.bestcase.com

Shauna M Deluca

on behalf of Creditor Deutsche Bank Trust Company Americas as Trustee for Residential Accredited Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2007-QS3 sdeluca@hasbanilight.com, hllawpc@gmail.com

Shauna M Deluca

on behalf of Creditor Deutsche Bank Trust Company Americas sdeluca@hasbanilight.com hllawpc@gmail.com

Sindi Mncina

on behalf of Creditor Deutsche Bank Trust Company Americas as Trustee for Residential Accredited Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2007-QS3 smncina@raslg.com

Sindi Mncina

on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY smncina@raslg.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 19